

1 **LEWIS BRISBOIS BISGAARD & SMITH LLP**
2 H. PAUL EFSTRATIS, SB# 242373
3 E-Mail: Paul.Efstratis@lewisbrisbois.com
4 TAYLOR F. SULLIVAN, SB# 297014
5 E-Mail: Taylor.Sullivan@lewisbrisbois.com
6 333 Bush Street, Suite 1100
7 San Francisco, California 94104-2872
8 Telephone: 415.362.2580
9 Facsimile: 415.434.0882

10 Attorneys for Defendant FORD MOTOR
11 COMPANY

12
13 UNITED STATES DISTRICT COURT
14 CENTRAL DISTRICT OF CALIFORNIA

15 TONY CLARK and PAMELA
16 ELY,

17 Plaintiffs,

vs.

18 FORD MOTOR COMPANY, a
19 Delaware Corporation; and DOES 1
20 through 10, inclusive,

21 Defendant.

22 Case No.

23 **DECLARATION OF H. PAUL
EFSTRATIS IN SUPPORT OF
NOTICE OF REMOVAL**

24 Trial Date: None Set

25 **DECLARATION OF H. PAUL EFSTRATIS, ESQ.**

26 I, H. Paul Efstratis, declare as follows:

27 1. I am an attorney duly licensed to practice law before all courts of the
28 State of California and the United States District Court for the Central District of
29 California, and am a partner with Lewis Brisbois Bisgaard & Smith, LLP, attorneys
30 for Defendant Ford Motor Company (“Ford”). I am a member in good standing with
31 the State Bar of California. I have personal knowledge of the following facts, except
32 for those based on information and belief, which I believe to be true, and if called
33 upon to testify, I could and would competently testify to their truth and accuracy.

34 2. This declaration is submitted in support of Ford Motor Company’s

1 Notice of Removal to the United States District Court for the Central District of
 2 California under 28 U.S.C. § 1332, 1441 and 1446.

3 3. In executing this declaration, I do not intend, and Ford has not authorized
 4 me, to waive any protections or privileges Ford may have as to proprietary, trade
 5 secret, and/or confidential information, or to waive Ford's attorney-client privilege as
 6 to any of its communications or to waive the work product immunity developed in
 7 anticipation of or in response to litigation. I intend only to describe certain factual
 8 matters that are pertinent to this declaration.

9 4. I have extensive experience litigating consumer, class action, and/or
 10 automotive breach of warranty lawsuits throughout California in both state and federal
 11 courts. Towards that end, I am lead counsel on a significant number of litigation-
 12 related matters on behalf of Ford. I have also represented Ford in cases involving
 13 claimed violations of the Song-Beverly Act, including those involving allegations of
 14 fraud, and violations of the Consumer Legal Remedy Act involving claims for
 15 punitive damages. Specifically, I have represented Ford in numerous such lawsuits
 16 (*i.e.* for violations of the Song-Beverly Act, fraud, CLRA and punitive damages,
 17 either in whole or in part of such claims).

18 5. The Song-Beverly Act allows for the recovery of attorney's fees and
 19 costs to the prevailing party pursuant to California Civil Code section 1794(d). In my
 20 experience litigating such cases, it is not uncommon, and in fact quite regular, for
 21 attorney's fee and cost awards (or resolutions through informal discussions with
 22 opposing counsel) to exceed \$100,000 when a case is litigated up to or through trial.
 23 In sum, the attorney fee and cost payments tendered (or for judgments entered) to the
 24 consumer's counsel routinely adds significant financial exposure to an automotive
 25 manufacturer and is a recoverable element of damages in lawsuits involving the Song-
 26 Beverly Act and Magnuson Moss Act.

27 6. The instant Complaint also seeks civil penalty pursuant to the Song-
 28 Beverly Act in an amount not to exceed two times the cost of the vehicle. This

1 multiple, if proven, triples the exposure that is based on the value paid by the Plaintiff
2 for the vehicle.

3 I declare under penalty of perjury under the laws of the United States of
4 America that the foregoing is true and correct and if called as a witness I could and
5 would so testify.

6 This Declaration is dated May 6, 2022, in San Francisco, California.

7
8 */s/ H. Paul Efstratis*
9 H. Paul Efstratis, Esq.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

FEDERAL COURT PROOF OF SERVICE
Clark v. Ford Motor Company
Case No. 22STCV11319

STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

At the time of service, I was over 18 years of age and not a party to the action. My business address is 333 Bush Street, Suite 1100, San Francisco, CA 94104-2872. I am employed in the office of a member of the bar of this Court at whose direction the service was made.

On May 6, 2022, I served the following document(s):

DECLARATION OF H. PAUL EFSTRATIS IN SUPPORT OF NOTICE OF REMOVAL

I served the documents on the following persons at the following addresses (including fax numbers and e-mail addresses, if applicable):

Armando Lopez
Knight Law Group, LLP
10250 Constellation Blvd., Suite 2500
Los Angeles, CA 90067
Attorney for Plaintiff
Telephone: (310) 552-2250
Fax: (310) 552-7973
Email: emailservice@knightlaw.com
armandol@knightlaw.com

The documents were served by the following means:

- (BY E-MAIL OR ELECTRONIC TRANSMISSION) Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to the persons at the e-mail addresses listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.
- (BY COURT'S CM/ECF SYSTEM) Pursuant to Local Rule, I electronically filed the documents with the Clerk of the Court using the CM/ECF system, which sent notification of that filing to the persons listed above.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct.

Executed on May 6, 2022, at San Francisco, California.

ODNA

Charmaine Villavert